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17 Attorneys for Plaintiffs and the Class

18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 MICHAEL MCGINNIS and  
21 CYNDY BOULTON, individually,  
and on behalf of all others similarly  
22 situated;

23 Civil Case No.: 2:23-cv-2426- SB-JPR

24 Plaintiffs,  
v.  
25 COMMUNITY.COM, INC.;  
26  
27 Defendant.

28

**PLAINTIFF CINDY BOULTON'S  
STATEMENT OF RECENT DECISION  
RELATING TO MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

1 Plaintiff Cindy Boulton (“Plaintiff”) submits this Statement of Recent Decision  
2 to inform the Court of the September 7, 2023 Order on Motion to Dismiss issued by  
3 Judge William H. Orrick in *Doe v. Meta Platforms, Inc.*, No. 22-cv-03580-WHO  
4 (N.D. Cal. Sept. 7, 2023).

5 Plaintiff attaches a true and correct copy of Judge Orrick’s Order as Exhibit 1.

6 The *Doe v. Meta Platforms, Inc.* Order is relevant to the portion of Defendant  
7 Community.com, Inc.’s Motion to Dismiss Plaintiff’s Complaint where it argues that  
8 Plaintiff fails to state a CIPA section 632 claim because “Community’s software is not  
9 a ‘device.’” (ECF Nos. 32 & 56). *See Doe v. Meta Platforms, Inc.*, No. 22-cv-03580-  
10 WHO at \*10-11.

11 The motion is fully briefed and set for hearing on September 15, 2023. (ECF  
12 No. 55).

14 Dated: September 14, 2023

**LIPPSMITH LLP**

15 By: /s/ Graham B. LippSmith  
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